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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/740,051	12/18/2000	Gregory C. Flickinger	T900-11	4809
35465 7590 05/18/2007 GREGORY CHARLES FLICKINGER 223 PHEASANT RUN SE ROME, GA 30161			EXAMINER CHANDLER, SARA M	
			ART UNIT 3693	PAPER NUMBER
			MAIL DATE 05/18/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/740,051	<b>Applicant(s)</b> FLICKINGER ET AL.	
	<b>Examiner</b> Sara Chandler	<b>Art Unit</b> 3693	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 02/17/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-17, 19-23 and 25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-17, 19-23 and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Amendment*

This Office Action is responsive to Applicant's arguments and request for reconsideration of application 09/740,051 (12/18/00) filed on 02/17/07.

Please note the Examiner in the case has changed to Sara Chandler.

### *Claim Interpretation*

1. In determining patentability of an invention over the prior art, all claim limitations have been considered and interpreted as broadly as their terms reasonably allow. See MPEP § 2111.

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. *In re Pruter*, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969). See MPEP § 2111.

2. All claim limitations have been considered. Additionally, all words in the claims have been considered in judging the patentability of the claims against the prior art. See MPEP 2106 II C. The following language is interpreted as not further limiting the scope of the claimed invention. See MPEP 2106 II C.

Language in a method claim that states only the intended use or intended result (e.g., "for \_\_\_\_\_"), but the expression does not result in a manipulative difference in the steps of the claim. Language in a system claim that states only the intended use or intended result (e.g., "for \_\_\_\_\_"), but does not result in a

structural difference between the claimed invention and the prior art. In other words, if the prior art structure is capable of performing the intended use, then it meets the claim.

Claim limitations that contain statement(s) such as "*if, may, might, can could*", as optional language. As matter of linguistic precision, optional claim elements do not narrow claim limitations, since they can always be omitted.

Claim limitations that contain statement(s) such as "*wherein, whereby*", that fail to further define the steps or acts to be performed in method claims or the discrete physical structure required of system claims.

USPTO personnel should begin claim analysis by identifying and evaluating each claim limitation. For processes, the claim limitations will define steps or acts to be performed. For products, the claim limitations will define discrete physical structures or materials. Product claims are claims that are directed to either machines, manufactures or compositions of matter. See MPEP § 2106 II C.

The subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope. Language that suggests or makes optional but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation. The following are examples of language that may raise a question as to the limiting effect of the language in a claim:

- (A) statements of intended use or field of use,
- (B) "adapted to" or "adapted for" clauses,
- (C) "wherein" clauses, or
- (D) "whereby" clauses.

See MPEP § 2106 II C.

3. Independent claims are examined together, since they are not patentable distinct. If applicant expressly states on the record that two or more independent and distinct

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inventions are claimed in a single application, the Examiner may require the applicant to elect an invention to which the claims will be restricted.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 1-17, 19-23 and 25** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1,12 and 25 recite the limitation "data specific to an entity". What is this? Is this a unique identifier? Not all data that describes a specific entity is sufficient to identify the entity in a commercial transaction.

Claims 1,12 and 25 recite the limitation "wherein the electronic data file is in the possession of the entity". What does this mean? How is the electronic data file in "possession"? Is it embodied in a card or other object owned or carried by the entity? Is it only that the file is accessible by the entity? Is the file under the control of the entity? Or something else?

Claims 1 and 12 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps and omitting essential structural elements, respectively, such omission amounting to a gap between the steps and the elements. See MPEP § 2172.01. What leads to the desire to associate the asset with the entity? At this point there is a random entity and a random asset. What is the connection?

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There is nothing linking the asset of third limitation to those assets purchased or owned in the first limitation.

Regarding claim 4, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention.

See MPEP § 2173.05(d).

Claims 5,7 and 8 recite the limitations "electronic file" or "data file". There is insufficient antecedent basis for this limitation in the claim. It appears Applicant may be referring to "the electronic data file". Please use consistent terminology.

Claims 10 and 23 recite the limitations "and allows for the reporting and manipulation of the same." and "wherein the entity is able to directly modify the entity specific data.", respectively. These limitations are not positively recited. That is, there is no requirement that they must be done.

Re Claim 17: What is the "insurance data specific to the entity"? Data that describes a specific entity is relevant insurance data. What distinguishes this data from the independent claim?

Claim 19 recites the limitation "and the entering of said data does not depend on the entity directly providing said asset specific data." What does this mean? For example, if the asset is handed to a clerk and they enter the data is that intended to be included or excluded from the claimed invention?

Dependent claims 2-11, 13-17, 19-23 and 25 are further rejected based on the same rationale as the claims from which they depend.

***Claim Rejections - 35 USC § 102***

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-17, 19-23 and 25** are rejected under 35 U.S.C. 102(e) as being anticipated by Moore, US Pat. No. 6,886,748.

**Re Claims 1-11:** Moore discloses a method for electronically registering assets, the method comprising:

providing an electronic data file comprising data specific to an entity that purchases or owns assets wherein the electronic data file is in the possession of the entity (Moore, Figs. 2-4 and 6-8; abstract, col. 1, line 1+ - col. 2, line 52; col. 3, lines 18-42; col. 3, lines 53+ - col. 5, line 30; col. 5, lines 63+ - col. 6, line 53; col. 7, lines 1-6; col. 7, lines 27+ - col. 10, line 41; col. 10, line 65+ - col. 11, line 12; col. 11, line 40 + - col. 12, line 6; col. 13, line 25 – col. 14, line 7; col. 14, line 20+ - col. 17, line 24);

extracting the data specific to an entity from the electronic data file and entering it into a registration database (Moore, Figs. 2-4 and 6-8; abstract, col. 1, line 1+ - col. 2, line 52; col. 3, lines 18-42; col. 3, lines 53+ - col. 5, line 30; col. 5, lines 63+ - col. 6, line 53; col. 7, lines 1-6; col. 7, lines 27+ - col. 10, line 41; col. 10, line 65+ - col. 11, line 12; col. 11, line 40 + - col. 12, line 6; col. 13, line 25 – col. 14, line 7; col. 14, line 20+ - col. 17, line 24);

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entering data specific to an asset into the registration database (Moore, Figs. 2-4 and 6-8; abstract, col. 1, line 1+ - col. 2, line 52; col. 3, lines 18-42; col. 3, lines 53+ - col. 5, line 30; col. 5, lines 63+ - col. 6, line 53; col. 7, lines 1-6; col. 7, lines 27+ - col. 10, line 41; col. 10, line 65+ - col. 11, line 12; col. 11, line 40 + - col. 12, line 6; col. 13, line 25 - col. 14, line 7; col. 14, line 20+ - col. 17, line 24); and

associating the data specific to the entity and the data specific to the asset, thereby registering the asset for the entity (Moore, Figs. 2-4 and 6-8; abstract, col. 1, line 1+ - col. 2, line 52; col. 3, lines 18-42; col. 3, lines 53+ - col. 5, line 30; col. 5, lines 63+ - col. 6, line 53; col. 7, lines 1-6; col. 7, lines 27+ - col. 10, line 41; col. 10, line 65+ - col. 11, line 12; col. 11, line 40 + - col. 12, line 6; col. 13, line 25 - col. 14, line 7; col. 14, line 20+ - col. 17, line 24).

**Re Claims 12-17 and 19-23:** Moore discloses a system for providing automatic registration of assets for entities that purchase or own assets, the system comprising: means for providing an electronic data file comprising data specific to an entity (Moore, Figs. 2-4 and 6-8; abstract, col. 1, line 1+ - col. 2, line 52; col. 3, lines 18-42; col. 3, lines 53+ - col. 5, line 30; col. 5, lines 63+ - col. 6, line 53; col. 7, lines 1-6; col. 7, lines 27+ - col. 10, line 41; col. 10, line 65+ - col. 11, line 12; col. 11, line 40 + - col. 12, line 6; col. 13, line 25 - col. 14, line 7; col. 14, line 20+ - col. 17, line 24);

means for extracting the data specific to the entity from the electronic data file and entering it into a registration database (Moore, Figs. 2-4 and 6-8; abstract, col. 1, line 1+ - col. 2, line 52; col. 3, lines 18-42; col. 3, lines 53+ - col. 5, line 30; col. 5, lines 63+ - col. 6, line 53; col. 7, lines 1-6; col. 7, lines 27+ - col. 10, line 41; col. 10, line 65+ - col.



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11, line 12; col. 11, line 40 + - col. 12, line 6; col. 13, line 25 – col. 14, line 7; col. 14, line 20+ - col. 17, line 24);

means for entering data specific to an asset purchased or owned by the entity into the registration database (Moore, Figs. 2-4 and 6-8; abstract, col. 1, line 1+ - col. 2, line 52; col. 3, lines 18-42; col. 3, lines 53+ - col. 5, line 30; col. 5, lines 63+ - col. 6, line 53; col. 7, lines 1-6; col. 7, lines 27+ - col. 10, line 41; col. 10, line 65+ - col. 11, line 12; col. 11, line 40 + - col. 12, line 6; col. 13, line 25 – col. 14, line 7; col. 14, line 20+ - col. 17, line 24); and

means for associating the data specific to the entity and the data specific to the asset, thereby registering the asset for the entity (Moore, Figs. 2-4 and 6-8; abstract, col. 1, line 1+ - col. 2, line 52; col. 3, lines 18-42; col. 3, lines 53+ - col. 5, line 30; col. 5, lines 63+ - col. 6, line 53; col. 7, lines 1-6; col. 7, lines 27+ - col. 10, line 41; col. 10, line 65+ - col. 11, line 12; col. 11, line 40 + - col. 12, line 6; col. 13, line 25 – col. 14, line 7; col. 14, line 20+ - col. 17, line 24).

**Re Claim 25:** Moore discloses a method for automatically registering assets for entities that purchase assets, the method comprising:

electronically extracting data specific to an entity from an electronic data file in possession of the entity (Moore, Figs. 2-4 and 6-8; abstract, col. 1, line 1+ - col. 2, line 52; col. 3, lines 18-42; col. 3, lines 53+ - col. 5, line 30; col. 5, lines 63+ - col. 6, line 53; col. 7, lines 1-6; col. 7, lines 27+ - col. 10, line 41; col. 10, line 65+ - col. 11, line 12; col. 11, line 40 + - col. 12, line 6; col. 13, line 25 – col. 14, line 7; col. 14, line 20+ - col. 17, line 24);

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electronically extracting data specific to an asset purchased by the entity (Moore, Figs. 2-4 and 6-8; abstract, col. 1, line 1+ - col. 2, line 52; col. 3, lines 18-42; col. 3, lines 53+ - col. 5, line 30; col. 5, lines 63+ - col. 6, line 53; col. 7, lines 1-6; col. 7, lines 27+ - col. 10, line 41; col. 10, line 65+ - col. 11, line 12; col. 11, line 40 + - col. 12, line 6; col. 13, line 25 - col. 14, line 7; col. 14, line 20+ - col. 17, line 24);

associating and storing in a registration database the entity specific data and the asset Specific data thereby registering the asset for the entity (Moore, Figs. 2-4 and 6-8; abstract, col. 1, line 1+ - col. 2, line 52; col. 3, lines 18-42; col. 3, lines 53+ - col. 5, line 30; col. 5, lines 63+ - col. 6, line 53; col. 7, lines 1-6; col. 7, lines 27+ - col. 10, line 41; col. 10, line 65+ - col. 11, line 12; col. 11, line 40 + - col. 12, line 6; col. 13, line 25 - col. 14, line 7; col. 14, line 20+ - col. 17, line 24).

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-17, 19-23 and 25 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

The following references relate to associating purchaser and product information.

US Pat. No.'s:

7,158,948

6,163,693

6,757,663

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6,018,719

US Pub. No.'s:

2002/0095299

2002/0026395

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Chandler whose telephone number is 571-272-1186. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on 571-272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SMC

 5/14/07  
JAGDISH N. PATEL  
PRIMARY EXAMINER

